

Remarks

This response is submitted simultaneous with the filing of an RCE.

New claims 102-107 are added above. Claims 1-13 and 101-107 are now pending.

Claim Rejections – 35 USC §102

Claims 1-4, 7, 9-12, and 101 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen (6,987,246).

The undersigned attorney respectfully submits that the interpretation of the claim language "closed by the liquid" is unreasonable. Nonetheless, the claims have been amended to clarify the invention.

Specifically, claim 1 now expressly recites that the low end of the air admission duct is within the liquid in the regulation chamber when the level of the liquid corresponds substantially to its high level such that the low end is closed by contact with the liquid in the regulation chamber when the level of the liquid corresponds substantially to its high level. This arrangement is clearly not shown or suggested by Hansen. The Hansen device is constructed so that water cannot reach the lower end of the vent tube 202 because water will flow through either tube 208 or tube 204 before reaching that level. Moreover, Hansen teaches against any contact between the water and the lower end of the vent tube by utilization of the lateral baffle 218 that acts as a splash guard (see Hansen at col. 9, lines 4-8). There is no basis for modifying Hansen to achieve the invention as defined by claim 1.

Claim 101 now expressly recites that the low end of the air admission duct is lower than the liquid in the regulation chamber when the level of the liquid corresponds substantially to its high level. Again, this arrangement is not disclosed or suggested by Hansen, and in fact Hansen teaches away from such an arrangement.

For at least these reasons, claims 1 and 101 are distinguishable over the art. Dependent claims 2-13 and 102-104 are distinguishable for at least the same reasons.

Moreover, dependent claim 3 has been amended to expressly recite that the evacuation tube extends between the exhaust opening and the evacuation chamber, and the evacuation tube has a low end, a high end and an intermediate portion, the low end connected to the exhaust

opening, the intermediate portion extending from the low end to the high end, and the high end opening out into the evacuation chamber above the high and low liquid levels. The Hansen drain extension that connects the condensate tank 104A to the cooking chamber 14A does not disclose this feature because it is clear that the high end of the drain extension is connected to the exhaust opening and the low end of the drain extension opens beneath the water level of the tank 104A.

Claim Rejections – 35 USC §103

Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen. These claims depend on claim 1, and so require the features of claim 1. As explained above, Hansen fails to teach or suggest features of claim 1. Accordingly, the rejection of claims 5, 6, and 8, is traversed for the same reasons.

Additionally, claim 5 requires a regulator, the regulator itself comprising the regulation chamber and the evacuation chamber, these two chambers constituting side by side volumes that are separated from each other at least in part via a partition internal of the regulator and that communicate with each other via a narrow passage in the partition adapted to allow the liquid to flow between these two chambers. The Office takes the position that rearranging the pressure box 200 and condensation chamber 104A of Hansen to be side by side volumes is nothing more than a matter of design choice involving simple rearrangement of the components in Hansen. The Office goes on to suggest that it is the applicant's burden to establish some design criticality to overcome the rejection. This assertion is a misstatement of applicable law. The Office must show that there is some reason to make the rearrangement of parts and that the rearrangement has no bearing on the function of the device. This is clearly not the case in Hansen. Specifically, if the condensation chamber 104A is moved up next to the pressure box 200, then the chamber 104A clearly will not perform its function of receiving and holding water that condenses in the cooking chamber 14A. Conversely, if the pressure box is moved down to a location next to the condensation chamber 104A, then the pressure box clearly cannot perform its function of delivering water into the cooking chamber via overflow into the inlet tube, because the inlet to tube 208 would be lower than the water introduction end of the tube 208 near the atomizer 30A. Accordingly, rearranging the parts of Hansen to achieve the invention defined by claim 5

actually prevents the proper functioning of the Hansen device and would not be undertaken by one of ordinary skill in the art.

With respect to claim 6, again the Office takes an unreasonable interpretation of the claim and the cited art. However, even under that interpretation claim 6 is not rendered obvious. Specifically, claim 6 recites that the second temperature probe is in the regulation chamber. Clearly the temperature probe 85A is not within the pressure box 200. Because the purpose of the Hansen temperature probe 85A is to provide cooking chamber temperature input to the ECU of the oven, there is no reason for moving the temperature sensor into the box 200 and, in fact, doing so would prevent the intended purpose and function of the sensor 85A as taught by Hansen. The Office cannot disregard this fact or the stated purpose of sensor 85A.

New independent claim 105 recites that the high liquid level of the regulation chamber is defined by an overflow outlet and that the low end of the air admission duct is lower than the overflow outlet. This is clearly not the arrangement in Hansen, and there is no basis for modifying Hansen to achieve the claimed invention. Dependent claims 106-107 are distinguishable for at least the same reason.

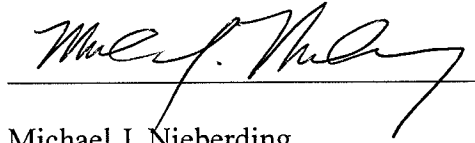
Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct No.: 20-0809.

The examiner may contact the undersigned attorney with any questions regarding this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nieberding", is written over a horizontal line.

Michael J. Nieberding
Reg. No. 39,316

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
Telephone (937) 443-6892
Facsimile: (937) 443-6635